idiomatic format. The subject matter of the amendment may be found in the specification as filed, *inter alia*, at page 5, lines 34-36. Accordingly, no new matter has been added.

Claim 1-2, 6, 8, 15 and 16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In response, Claim 1, 15 and 16 have been amended to address the points raised by the Examiner.

In that regard, the Examiner states in claim 1 the definition of "ni" is unclear since in line 15, "ni" is 1 to 17, while however, in lines 17 and 18, "ni" is defined as 0 or 1. In response, Applicants wish to clarify that "i" in x^i is 1 to 17, and "ni" can be 0 or 1. Therefore, the definitions of "ni" and "i" are believed to be clear.

The Examiner states the claims make reference to residues X^p and X^q without antecedent basis for these variables in the formula, it is unclear where such residues occur and how they affect the structure within the formula. In response, Applicants wish to point out that the claims specify X^p is selected from the group of X^1 to X^{11} and residue X^q is selected from the group of X^8 to X^{17}, where q>p.

The Examiner also states it is unclear how X^i's are arranged since all the X variables may be X^i, and it is unclear how X^i relates to X^p or X^q. As explained above and as now made even more clear in the claims, ni represents 0 or 1 and when ni is 0, X^i is absent (i.e., a bond) and when ni is 1, X^i is present. Thus, where ni=1, X^i's are simply arranged in order of increasing number of i, and joined to each other to form a sequence. Additionally, a functional group in residue X^p (i.e., among residues X^1-X^{11} since p is an

integer of 1 to 11) and a functional group in residue X^q (i.e., among residues X^8-X^{17} since q is an integer of 8 to 17) form a cyclic structure.

Claims 1-2 are rejected under 35 U.S.C. 102(b) as anticipated by Halazonetis, which is said to anticipate the claims since the claims allow for deletions and modification.

This rejection is respectfully traversed . As previously recited (see original claim 1 at page 88, lines 18-19), at least 7 different X^1 are selected. In any event, this is now even more clear (see amended claims (at the last three lines) where the peptide is at least a 6-mer peptide, the reference plainly does not anticipate the present invention.

Claims 1-2, 6, 8, 15 and 16 are rejected under 35 U.S.C. 103(a) as being obvious over Lane in view of Halazonetis. At the outset, it should be clear the present invention relates to peptides having a cyclic structure and having the activity to restore the specific DNA-binding activities of P53 protein to mutant P53 protein.

The gist of the invention is that the ability to restore the specific DNA-binding activities of P53 protein to mutant P53 protein is elevated by using a cyclized peptide having 7 or more amino acid residues.[1/]

Lane teaches peptides that have the property of activating the sequence specific DNA binding activity of latent P53. However, Lane does not teach or suggest cyclized peptides.

1/ The elevation of the specific DNA-binding activities of P53 protein by using a cyclized peptide of the present invention is demonstrated by test examples in the specification.

Halazonetis also teaches peptides that have the ability to activate DNA binding of P53. Additionally, as noted, Halazonetis shows cyclization of a peptide having 6 amino acids. However, Halazonetis does not teach that the function of mutant P53 is restored by using the cyclized peptide.

In Example 6, Halazonetis examined a cyclic peptide c[SRHKKa] in the p53 DNA binding assay and described that at a concentration of 0.1 mM this peptide activated p53 DNA binding about two times more efficiently than 0.05 mM of peptide p53p363-373 [SEQ ID NO: 4].

However, this comparative test is scientifically meaningless because the 6-mer cyclic peptide c[SRHKKa] is compared with p53p363-373, which is a linear peptide having 10 amino acid residues [SEQ ID NO: 4]. Additionally, the concentrations (0.1 mM and 0.05 mM, respectively) of the peptides used differ remarkably. Therefore, Example 6 of Halazonetis does not show any significant result indicating that the ability to activate DNA binding of p53 is elevated by cyclization of the peptide.[2/]

Accordingly, there was no motivation found in Halazonetis to cyclize the peptide of Lane, since there was no expectation that such peptide would have an ability to activate mutant p53.

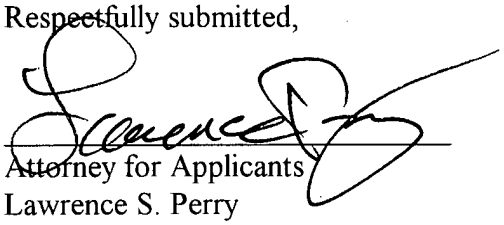
In view of the above amendments and remarks, Applicants submit that all of the Examiner's concerns are now overcome and the claims are now in allowable condition. Accordingly, reconsideration and allowance of this application is earnestly solicited.

Claims 1-16 remain presented for continued prosecution.

2/ If it will be helpful to the Examiner, Applicants will be happy to submit a Declaration under Rule 132 regarding these points.

Applicants' undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,



Attorney for Applicants
Lawrence S. Perry
Registration No. 31,865

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3801
Facsimile: (212) 218-2200